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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,735	08/06/1999	IKUO MATSUI	11059/002001	7188
20985	7590	02/09/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			MONSHIPOURI, MARYAM	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/369,735

Examiner

Maryam Monshipouri

Applicant(s)

MATSUI ET AL.

Art Unit

1652

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 18 October 2004 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____

M. Monshipouri
MARYAM MONSHIPOURI, PH.D.
PRIMARY EXAMINER

132 affidavit filed 10/18/2004 is entered. In view of table 2 cited in FEBS Letters 467 (2000), 195-200 (in said affidavit) the examiner agrees that novel substrate specificity for SEQ ID NO:2, renders its methods of use for hydrolyzing said specific substrates patentable over the prior art. However, currently applicant in almost all claims under consideration is referring to "long alky chain beta-glycoside" as substrates for SEQ ID NO:2 and its homologs, wherein the term "long" is unclear. Claims 28, 30, 33 recite too little structural information for homologs of SEQ ID NO:2 and are additionally subject to written description and scope of enablement rejections. Claims 8, 10-11, 14, 17-24, 28, 30-31, 33-34 remain rejected. Claims 3, 4-7, 25-27, and 32 are withdrawn as drawn to non-elected invention. Claims 9 and 16 are objected for depending from a rejected base claim but would be allowable if written independently.